

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

06-MD-1775 (JG) (VVP)

THIS DOCUMENT RELATES TO:
All Actions

**NOTICE OF MOTION FOR FINAL APPROVAL OF SETTLEMENT MASTER'S
REPORT AND RECOMMENDATION REGARDING
THE ALLOCATION OF THE LUFTHANSA SETTLEMENT FUND**

PLEASE TAKE NOTICE THAT, upon the Declaration of W. Joseph Bruckner, [*et al.*]
In Support Of Final Approval Of The Settlement Agreement Between Plaintiffs And Lufthansa,
Plaintiffs' Application For Attorneys' Fees And Reimbursement Of Expenses, And The Plan Of
Allocation, dated November 12, 2008, and exhibits submitted therewith; and Plaintiffs'
Memorandum Of Law In Support Of Final Approval Of Settlement Master's Report And
Recommendation Regarding The Allocation Of The Lufthansa Settlement Fund, and all other
papers and proceedings herein, plaintiffs will move this Court on December 12, 2008 at 11:30
a.m., or as soon thereafter as counsel may be heard, before the Honorable John Gleeson, United
States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New
York, in the Ceremonial Courtroom, pursuant to (i) Rule 53(f) of the Federal Rules of Civil
Procedure; (ii) the Order Approving a Procedure for the Allocation of the Settlement Fund Under
the Lufthansa Settlement Agreement and Appointing Daniel H. Weinstein as Settlement Master,
dated October 30, 2007; (iii) the Memorandum of Magistrate Judge Viktor V. Pohorelsky, dated
January 18, 2008; and (iv) the terms of the Settlement Agreement between Air Cargo Plaintiffs

and Defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines Ltd., dated September 11, 2006, as subsequently amended, for an order providing final approval of the Settlement Master's Report And Recommendation regarding the allocation of the Lufthansa Settlement Fund among the claimants thereto; and granting such other and further relief as may be appropriate.

Dated: New York, New York
November 12, 2008

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¹ Michael D. Hausfeld was personally appointed Co-Lead Counsel by the Court while at his prior firm, Cohen, Milstein, Hausfeld & Toll, PLLC. Each of the attorneys with primary responsibility for litigating this case, including Mr. Hausfeld, are now at Hausfeld LLP. A Notice of Change Affiliation and Motion to Amend the Court's November 15, 2006 Decision and Order and Pretrial Orders No. 3 and 4 to reflect this change of firm affiliation is currently pending before the Court. All representative plaintiffs that had retained Michael Hausfeld in this matter, including Volvo, H&M, Geodis Wilson (formerly TNT), KappAhl, AB Lindex, Association des Utilisateurs du Transport de Fret ("AUTF"), IKEA and Olarte, have been apprised of this change of firm affiliation, have been given the choice of being represented by Michael Hausfeld or by Cohen, Milstein, Sellers and Toll (CMST), and support Michael Hausfeld's continuing in his Court-appointed positions. Nevertheless, Hausfeld LLP and the other Co-Lead Counsel have agreed to allow CMST to remain on the signature block pending entry of an order on Hausfeld LLP's motion so that these papers can be timely filed.

CERTIFICATE OF SERVICE

I, Gregory K. Arenson, declare that, on November 12, 2008, I caused true and correct copies of the Notice of Motion For Final Approval of Settlement Master's Report and Recommendation Regarding the Allocation of The Lufthansa Settlement Fund to be delivered via the Court's ECF system to all counsel of record.

/s/ Gregory K. Arenson

Gregory K. Arenson